IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 7000 of 1998

For Approval and Signature:

Hon'ble MR.JUSTICE S.K.KESHOTE

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the Civil Judge? : NO

BD VADGAMA

Versus

STATE OF GUJARAT

Appearance:

None present for Petitioner

MS MANISHA LAVKUMAR, AGP, for Respondents

CORAM : MR.JUSTICE S.K.KESHOTE

Date of decision: 19/07/2000

ORAL JUDGEMENT

1. Heard the learned counsel for the respondents and perused the special civil application and reply filed today by the respondents.

2. It is not disputed by the respondents that under

the order dated 7-7-1987 of the Collector, Panchmahals, Rs.22551/- were ordered to be refunded to the petitioner.

3. Reply to the special civil application has been filed and copy of the same has been given to the counsel for the petitioner on 7-9-1999. The petitioner has not filed any rejoinder to it as on the record of this special civil application, I do not find any rejoinder. The averments made in reply to the special civil application stand uncontroverted.

4. In the reply, the respondents stated that the petitioner has four leases of minor minerals at Bharuch District and there were outstanding amounts against the petitioner aggregating to Rs.4,83,459/- in respect of other leases and this amount of Rs.22,551/- has been adjusted against that demand. The respondents are perfectly legal and justified to adjust this amount of refund against the outstanding dues in respect of other leases.

5. This petition is wholly misconceived and the same is dismissed. Rule discharged. Interim relief, if any, granted stands vacated. The petitioner is directed to pay Rs.500/- as costs of this petition to the State of Gujarat.

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zgs/-